

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON HECKMAN,

Defendant.

ORDER

06-cr-32-wmc-1

A hearing on the probation office's petition for judicial review of Jon Heckman's supervised release was held on May 29, 2013, before U. S. District Judge William M. Conley. The government appeared by Assistant U.S. Attorney Rita M. Rumbelow. Defendant was present in person and by counsel, Associate Federal Defender Kelly A. Welsh. Also present was Senior U.S. Probation Officer Michael D. Harper.

FACTS

From the record I make the following findings of fact:

Defendant was sentenced in the Western District of Wisconsin on June 23, 2006, following his conviction for bank robbery in violation of 18 U.S.C. § 2113(a). This offense is a Class C felony. He was committed to the custody of the Bureau of Prisons to serve a term of 46 months' imprisonment, followed by 36 months' supervised release.

On May 26, 2010, defendant began his term of supervised release. On May 1, 2013, the term of supervised release was revoked based on his use of marijuana and misdemeanor conviction for theft of property. Despite admitting to additional marijuana use leading up to the hearing, defendant was permitted to serve a 1-day term of imprisonment with 1-day credit for time served. A 6-month term of supervised was ordered to follow the term of

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imprisonment with all standard and special conditions previously imposed remaining in effect so that he could continue gainful employment and demonstrate an ability to address his marijuana addiction.

Since that time, the defendant (1) violated Standard Condition No. 7 and Special Condition No. 4 requiring him to abstain from illegal drug use as evidenced by urine specimens he submitted on May 1 and May 17, 2013, which tested positive for marijuana; and (2) lost his job.

Defendant's conduct falls into the category of a Grade C violation. In addressing such violations, the court has the discretion to revoke supervised release, extend it, or modify the conditions of release.

CONCLUSIONS

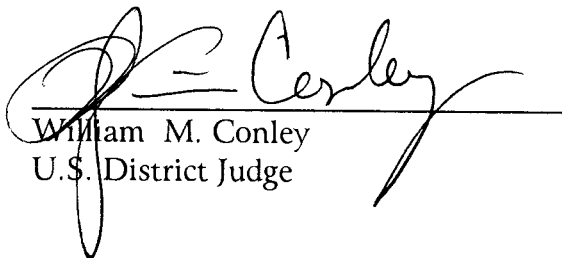
The defendant's repeated violations could have resulted in revocation; however, I am persuaded that the defendant may be motivated to overcome his addiction and to make better decisions.

ORDER

IT IS ORDERED that (1) the period of supervised release imposed on defendant on May 1, 2013, is CONTINUED; and (2) the defendant shall be immediately released from custody. All standard and special conditions previously imposed shall remain in effect.

Entered this 29th day of May 2013.

BY THE COURT:


William M. Conley
U.S. District Judge